

CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, PR

(GAG)

Continued...

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO
MOTION REQUESTING CLARIFICATION OF ORDER**

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3. There is the possibility that there are material facts in relation to the budgetary issues discussed in various court proceedings that have not been made public.

4. This is an important issue on my appeal(s).

5. In response to my request for information, the Honourable Gustavo A. Gelpí, in his Order dated November 8th, 2013 (Docket No. 91), stated:

The court will order for the record the preparation of transcripts of all in court proceedings in this case on or before December 1, 2013, so that these form part of the record of this case. In chambers and telephone status conferences are not transcribed, however, the corresponding minutes are part of the record. There are no sealed documents in this case. *Id.*

6. On October 15th, 2013, I filed a "Motion for Transcripts at Government Expense" (Docket No. 77); which was summarily denied on October 16th, 2013 (Docket No.78).

In this motion, I stated that I was interested in the transcription of an in camera Settlement Conference that took place on April 11th, 2013, and during which Ms. Evily's Brathwaite was present as court reporter; and of a second Settlement Conference on July 17th, 2013, during which Ms. Amy Walker was present as court reporter.

7. Apparently, no court reporter was present at either of the Status Conferences that took place in chambers on March 20th, 2013; and on October 30th, 2013; as specified in my "Motion Requesting Information From the Record" (Docket No. 90). I may then request a statement of facts and/or issues discussed at these in chambers Status Conferences from the parties; for the approval of the Honourable District Court.

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8. My request for clarification from the Honourable Gustavo A. Gelpí, Presiding Judge in the instant case, is as follows: if it pleases the Honourable U.S. District Court for the District of Puerto Rico, I am including with this motion two preliminary Transcript Reports/Order Forms, for confirmation of the approval to have them transcribed, per Order dated Number 8th, 2013 (Docket No. 91).

9. According to Minute Entry for in court proceedings held on April 11th, 2013 (Docket No. 43), Ms. Evilys Brathwaite was present as court reporter at *all* court proceedings held on that date; which included two presentations by *Amici*, and the subsequent in camera Settlement Conference. An Order was issued by the Honourable Court on April 12th, 2013 (Docket No. 40), in this respect:

The court hereby orders that the transcript of oral arguments held on 4/11/13 of amici ACLU and Gregorio Igartua be made of the record in this case. *Id.*

The information that I would like to be an official part of the record, and transcribed, in regards to my right to appeal, is the content of the in camera Settlement Conference that took place immediately afterwards; and this is basically what is requested in the first Transcript Report/Order Form included with this motion.

10. According to Minute Entry for in court proceedings held on July 17th, 2013 (Docket No. 58), Ms. Amy Walker was present as court reporter at the Settlement Conference held on that date. Following this Conference, a Settlement Agreement (Docket No. 60) was signed, and the case conditionally dismissed (Docket No. 61).

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11. Even if the proceedings seem perfunctory, the information that I would like to be an official part of the record, and transcribed, in regards to my right to appeal, is the content of the Settlement Conference that took place on July 17th, 2013; and this is what is requested in the second Transcript Report/Order Form included with this motion.

12. For a Federal civil case that has such high public importance, I personally find that budgetary information crucial to the issues being discussed is particularly absent from the record; especially since there are no sealed documents in the instant case. If any of the parties, or the Honourable Court, felt that budgetary issued should be sealed, then perhaps that would have been the proper procedure, *according to the rules*.

13. This "Motion Requesting Clarification of Order" is based on the accompanying "Memorandum of Law" in support thereof. Rather than being a peremptory request, I hope that this motion will help clarify the events that took place in arriving at a resolution of the instant case, as it stands; so I may access the requested documents on appeal.

WHEREFORE, proposed Intervening Defendant Jorge Díaz Castro, as a concerned lobbyist for Defendant Puerto Rico Police Department, respectfully requests such information as is specified in the instant motion, to comply with the request by the Honourable First Circuit Court of Appeals to file a Transcript Report/Order Form, as required by Federal Rule of Appellate Procedure No. 10(b)(1) and Local Rule 10(a) of the Honourable First Circuit Court of Appeals.

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CERTIFICATION: I hereby certify that today I filed the foregoing with the Clerk of the Court which, on information and belief, shall automatically notify counsel of record which are CM/ECF system participants at the corresponding e-mail address, and which pursuant to Local Civil Rule 5, constitutes the equivalent service.

RESPECTFULLY SUBMITTED, in San Juan, P.R., on this 15th day of November, 2013.



Jorge Díaz Castro

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